

Washington
State
Child
Support
Orders

Review
and
Modification



The Washington State Review and Modification Program

Most child support orders are fair and reasonable when they are entered. These orders do not always keep up with the changes in people's lives. In addition, the 1988 Washington State Legislature changed the system used to determine support amounts. This change may make orders entered in the past outdated. The process of updating or changing an order is called modification.

What types of orders can be modified?

All orders that deal with child support can be modified. These include such orders as divorce decrees, support orders, and paternity orders. They also include administrative orders entered by the Division of Child Support (DCS).

How does the modification of my child support order work?

To begin an action to change an order, someone files a petition with the court or administrative forum. They must also serve this petition on the other parent in the action. The petition is a request written in a particular format. The petition tells the judge why and how you want the order changed. The judge will make the final decision on what changes to make to your order.

There are two ways to request a modification. You can file a petition yourself (with or without an attorney), or you can ask DCS to review your order and file a petition for you. If your child support order is a court order, the petition must be filed with the court. If your order is an administrative order, the petition must be filed with the Office of Appeals.

How do I know that my order needs to be changed?

Petitioning on your own:

There is no way of predicting exactly what the court will decide is the correct amount of support. However, you can determine if your order varies from the current child support guidelines. The Washington State Child Support Schedule provides those guidelines. Add your income and the other responsible parent's income according to the Schedule. (You can get a copy of the Schedule from the Administrator for the Courts or from your local DCS office.)

DCS reviews your order:

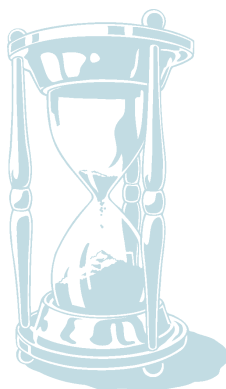
If you ask DCS to review your order, we will decide whether to file a petition. DCS will use several minimum criteria when reviewing your order. DCS sets up these standards. Your order might not meet DCS's minimum standards. This does not mean that your order cannot be modified. It only means that DCS will not file the petition for you. You may still proceed to change your order on your own.

How do I start a modification action?

Petitioning on your own:

You must first decide whether you wish to hire an attorney. Your attorney will complete and serve the necessary petitions. You may wish to change your order without an attorney. If so, you can get the necessary forms from the Administrator for the Courts. In some counties, the forms are available at the county courthouse. If you have trouble finding the forms in your community, you can contact:

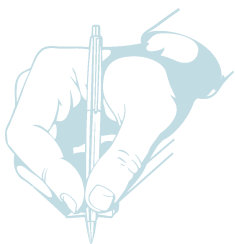
Administrator for the Courts
1206 South Quince
Olympia, WA 98504



DCS reviews your order:

You may request a review of your child support order through your local DCS office. Local DCS offices have copies of the forms used to make this request. (Note: requesting a review does not always mean that the order will be changed.) You must make your request in writing. Your order must be in the DCS system. If not, you must request entry of your order into the DCS system. This means that DCS will also enforce the child support and health insurance provisions as required in the order.

Please note: DCS reviews some orders automatically (without request). When the residential parent receives public assistance funds.



Will I need an attorney?

Petitioning on your own:

You are not required to have an attorney represent you. However, you may have an attorney help you in part or all of an action. If you do not hire an attorney, you will be representing yourself.

You cannot get legal advice from local County Clerks. County Clerks can only tell you where to file forms. In some counties the local attorneys' association may have a program to help you. These limited programs give free legal help to persons who qualify. To find out if there is such a program in your community, contact your county Bar Association.

DCS reviews your order:

DCS will not represent you in any action filed. DCS only eases the process by preparing the petition. You must decide whether you wish to represent yourself or find an attorney to represent you. At any time in the process you may hire an attorney.

It is often difficult to find help with questions about legal matters or court procedures. **ONLY ATTORNEYS ARE QUALIFIED TO GIVE YOU LEGAL ADVICE.** Since DCS does not represent you, DCS cannot provide legal advice to either party.

Does starting a modification always mean the order will be changed?

Petitioning on your own:

The judge will decide whether to change the order. The judge uses evidence provided by both parties and their attorneys. The court does not always change an order when someone files a petition.

DCS reviews your order:

If you ask DCS to review your order, DCS will review the order based on the current income of both parties. DCS will decide whether your case meets minimum criteria.

DCS will use the following criteria to decide if DCS will ask for a change in your order:

- 1.** At least 35 months have passed since your order was entered.
- 2.** At least 35 months have passed since DCS last reviewed your order for modification.
- 3.** DCS knows where both of the parties live.
- 4.** The proposed change in child support is at least 25% and \$100 per month above or below the current support amount. This change must equal at least \$2,400 over the life of the child support order. DCS will ask to modify orders not meeting the support change if medical insurance is not ordered.
- 5.** The action meets current laws and administrative codes concerning legal actions to change a child support order.
- 6.** DCS will also ask to modify orders not meeting the minimum change in support if:
 - The proposed child support change, if paid, provides enough income to free families receiving public assistance of the need for such aid; OR
 - The change allows families eligible for, but not receiving public assistance, to remain free of the need for such aid.

If your case meets these standards, DCS will file a petition to change the order. The judge will decide whether to modify your order. If one party lives outside Washington, DCS may send a request for review to another state.

If your case does not meet the standards, DCS will not file a petition on your case. DCS will notify you and give you 30 days to contest the finding.

How long will it take to change my court order?

Petitioning on your own:

The length of time needed to change a support order can vary. The court system in your county may have large backlogs. The number and type of issues you raise can increase the time needed. The other party's disagreement with the proposed change can also delay a decision.

DCS reviews your order:

The federal government requires DCS to provide notice to each party before reviewing the order. DCS must also inform each party of the review findings. These required notices add 60 days to the process of modifying an order. But once DCS files a petition, the time frame is the same as if you filed the petition yourself.

You are not required to review and wait 60 days when you or your attorney files the petition. If your order needs an immediate change, you might complete a modification faster by proceeding on your own.

Will the modification action address other issues besides child support?

Petitioning on your own:

Sometimes a party wishes to raise issues other than child support. Petitions filed by either party may raise other issues. For example, these issues may include visitation and custody. The court may address these issues during the hearing.

DCS reviews your order:

Petitions filed by DCS will ONLY address the child support and health insurance provisions of your order. You or your attorney must file the petition if you wish to address other issues.

How much will it cost me to change my court order?

Petitioning on your own:

If you should hire an attorney, we cannot estimate the cost. Attorneys may charge different rates. The legal work for each case may vary. The fee for filing a modification petition with the county clerk is \$20.00.

DCS reviews your order:

DCS will pay any filing fees if we decide to petition to modify your case after review. Currently DCS does not charge to review your order or to file a petition to change it.

For more information about any of DCS's free services, call your local office.

Fife	1-866-243-4449
Seattle	1-800-526-8658
Tacoma	1-800-345-9976
Everett	1-800-729-7580
Yakima	1-800-441-0859
Spokane	1-800-345-9982
Olympia	1-800-345-9964
Wenatchee	1-800-535-1113
Vancouver	1-800-345-9984
Kennewick	1-800-345-9981
Headquarters	1-800-442-KIDS
DCS Internet	http://www.wa.gov/dshs/dcs



Washington State
Department of Social
& Health Services

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